

1990

# The State of Utah v. Raymond J. Vigil : Unknown

Utah Court of Appeals

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David B. Thompson; Assistant Attorney General.

unknown.

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**FILED**

**JAN 16 1991**

JOSEPH E. TESCH  
CHIEF DEPUTY ATTORNEY GENERAL  
Mary T. Noonan  
Clerk of the Court  
Utah Court of Appeals

January 16, 1990

Mary T. Noonan  
Clerk of the Court  
Utah Court of Appeals  
400 Midtown Plaza  
230 South 500 East  
Salt Lake City, Utah 84102

Re: State v. Vigil,  
Case No. 900147-CA

Dear Ms. Noonan:

I wish to cite to the Court the following cases in support of the State's argument in Vigil that the issue of whether an individual voluntarily consented to a search is a question of fact, and the trial court's finding of voluntary consent is reviewed under the "clearly erroneous" standard of review (Br. of Appellee at 10-11): State v. Webb, 790 P.2d 65, 82 (Utah Ct. App. 1990); State v. Robinson, 797 P.2d 431, 437 (Utah Ct. App. 1990). But see State v. Bobo, 149 Utah Adv. Rep. 67, 68-69 (Utah Ct. App. Dec. 12, 1990) ("[T]he factual findings leading to the trial court's determination that defendant voluntarily consented to the search of his home are considered for clear error and the legal conclusion of voluntary consent premised upon those facts is examined for correctness.").

This supplemental authority is submitted pursuant to rule 24(j), Utah Rules of Appellate Procedure.

Sincerely,

*David B. Thompson*

DAVID B. THOMPSON  
Assistant Attorney General  
Chief, Criminal Appeals Division

DBT/pg

cc: Stephen I. Oda